

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

SOUTHLAND INTERNATIONAL)
OF LOUISIANA, L.L.C., et al.,)

Plaintiffs,)

vs.)

Case No. 1:08CV40 CDP

MIDDLETON BROTHERS, INC.,)
et al.,)

Defendants.)

MEMORANDUM AND ORDER


Having carefully considered the plaintiffs' November 3, 2008 memorandum, plaintiffs' motion for default judgment and supporting memorandum, affidavit, and exhibits, and in light of the entry of default as to defendant Middleton Brothers, Inc. entered by the Clerk of the Court on September 2, 2008, I find that plaintiffs are entitled to default judgment against defendant Middleton Brothers, Inc. for actual damages in the amount of \$628,339.00. The motion for default judgment will be denied to the extent it seeks compensatory and punitive damages.

Accordingly,

IT IS HEREBY ORDERED that the motion for default judgment [#12] is granted in part, and plaintiffs shall have default judgment against defendant

Middleton Brothers, Inc. in the amount of \$628,339.00. The motion for default judgment is denied to the extent that it seeks damages in excess of \$628,339.00.

IT IS FURTHER ORDERED that the hearing on plaintiffs' motion for default judgment previously set for November 10, 2008 at 10:00 a.m. in the Southeastern Division, Rush Hudson Limbaugh, Sr., United States Courthouse is cancelled.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 5th day of November, 2008.